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AUG - 1 2006

In re Application of TAKAHASHI ET AL.

Appl. No.: 10/709,243

Filed: April 23, 2004

For: ARMATURE OF ROTARY ELECTRICAL
APPARATUS

: PETITION TO
: WITHDRAW FINALITY
: 37 CFR 1.181

This is in response to applicant's petition filed 6/23/06, requesting that the finality of the office action mailed 6/19/06 be withdrawn.

Applicants' petition is GRANTED.

A review of the record shows that the new grounds of rejection in the aforementioned office action were not necessitated by the amendment to the claims. As such, prosecution on the merits of the instant application is not closed, and applicant's response to the 6/19/06 office action will be considered as a response to a non-final action.

Inquiries concerning this decision should be directed to Supervisory Patent Examiner Darren Schuberg at (571) 272-2044.


Richard Seidel

Director

Patent Examining Technology Center 2800

ERNEST A. BEUTLER, ATTORNEY AT LAW
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In re Application of

JUN 23 2006

App. No.: 10/709243
Filed: April 23, 2004
Conf. No.: 3242
Title: ARMATURE OF ROTARY ELECTRICAL APPARATUS
Examiner: Y. Comas
Art Unit: 2834
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence and all
marked attachments are being deposited with
the United States Patent Office via fax to
(571) 273-8300 on:

June 23, 2006


Ernest A. Beutler
Reg. No. 19901PETITION TO WITHDRAW FINALITY

Dear Sir:

The Commissioner is most respectfully requested to exercise his supervisory authority and direct the Examiner to withdraw the finality of the rejection made on June 19, 2006 on the basis that the citation of the new Laurie reference was not a result of the amendment made to the claims in response to the first office action, but was required by the Examiner's failure to comply with the MPEP and specifically Section 904.03 thereof that provides "It is normally not enough that references be selected to meet only the terms of the claims alone, especially if only broad claims are presented; but the search should, insofar as possible, also cover all subject matter which the examiner reasonably anticipates might be incorporated into applicant's amendment."

Also it is submitted that the amendment made did not add to the claim the language quoted by the Examiner in his alleged justification for this new citation, but his admission made in response to applicant's argument that the basic reference did not disclose the feature claimed. The claim as originally presented required the "tooth engaging portions encircling said pole teeth".

Even if the claim was further limited to alleged but not newly presented language was such that the Examiner in making his search should have "reasonably anticipates might be incorporated into applicant's amendment." It is grossly unfair to permit the Examiner to in effect "lie in the weeds" and then prevent applicant from making an amendment as a matter of right to address this newly taken position of his.

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It is believed that no fee is required by this petition.

Respectfully submitted:



Ernest A. Beutler
Reg. No. 19901

Phone (949) 721-1182
Pacific Time

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IN THE CLAIMS

1. (Currently Amended) An armature construction for a rotating electrical machine comprised of a core consisting of a plurality of laminated plates having a circular member from which a plurality of pole teeth radially extend, a pair of insulators positioned on opposite axial sides of said core and having cooperating tooth engaging portions encircling said pole teeth to receive and receiving coil windings there around, a wiring base positioned on one axial side of one of said insulators, said wiring base being made from an insulating material and adapted to receive receiving and retaining the wire ends of the coil windings, and interconnecting members formed on said one insulator and said wiring base for connecting said wiring base in a predetermined axial, radial and circumferential position.

2. (Original) An armature construction as set forth in claim 1 wherein the interconnecting members comprise a pair of interconnecting elements, one on each of the one insulator and the wiring base.

3. (Original) An armature construction as set forth in claim 1 wherein there are a plurality of circumferentially spaced interconnecting members.

4. (Original) An armature construction as set forth in claim 3 wherein each of the interconnecting members comprise a pair of interconnecting elements, one on each of the one insulator and the wiring base.

5. (Original) An armature construction as set forth in claim 2 wherein the interconnecting elements are engageable upon relative axial movement of the wiring base and the insulator in one direction and once engaged prevent relative movement in a direction opposite the one direction.

6. (Original) An armature construction as set forth in claim 5 wherein the interconnecting elements comprise a barbed hook and a receiver therefore.

7. (Original) An armature construction as set forth in claim 6 wherein there are a plurality of circumferentially spaced interconnecting members.

8. (Currently Amended) An armature construction as set forth in claim 1 wherein there is further provided on the wiring board base and the insulator a cooperating cylindrical flange and circumferentially spaced interengaging shoulders for assisting in the radial positioning.

9. (Original) An armature construction as set forth in claim 8 wherein the interconnecting members comprise a pair of interconnecting elements, one on each of the one insulator and the wiring base.

10. (Original) An armature construction as set forth in claim 8 wherein there are a plurality of

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circumferentially spaced interconnecting members.

11. (Original) An armature construction as set forth in claim 10 wherein each of the interconnecting members comprise a pair of interconnecting elements, one on each of the one insulator and the wiring base.

12. (Original) An armature construction as set forth in claim 9 wherein the interconnecting elements are engageable upon relative axial movement of the wiring base and the insulator in one direction and once engaged prevent relative movement in a direction opposite the one direction.

13. (Original) An armature construction as set forth in claim 12 wherein the interconnecting elements comprise a barbed hook and a receiver therefore.

14. (Original) An armature construction as set forth in claim 13 wherein there are a plurality of circumferentially spaced interconnecting members.